

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
CAMERON BOLITHO BROWNE, et al. ) : Examiner: Sy D Luu  
Application No.: 10/734,222 ) : Group Art Unit: 2174  
Filed: December 15, 2003 ) : Confirmation No. 8645  
For: METHOD AND APPARATUS )  
FOR IMAGE METADATA ) :  
ENTRY ) February 6, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE  
AND

REQUEST TO WITHDRAW ERRONEOUS NOTICE OF NON-COMPLIANT  
AMENDMENT

Sir:

Applicants received a second Notice Of Non-Compliant Amendment (37 C.F.R. § 1.121) dated January 6, 2009, which was sent in response to Applicants' Response And Request To Withdraw Erroneous Notice Of Non-Compliant Amendment dated October 24, 2008. Applicants respectfully submit that the Notice was issued erroneously, and should be withdrawn.

CERTIFICATE OF EFS-WEB TRANSMISSION  
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February 6, 2009  
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Shant H. Tehakarian, Reg. No. 61,825  
(Name of Attorney for Applicant(s))

/Shant Tehakarian #61,825/ February 6, 2009  
Signature Date of Signature

The Notice alleges that the use of strike-through to show the deletion of five or fewer characters does not comply with 37 CFR 1.121. In particular, the Notice alleges that the use of strike-through to show the deletion of the term "image" in Claim 7 does not comply with 37 CFR 1.121. According to the Notice, to indicate such a deletion, double-brackets are required. Applicants respectfully disagree.

The use of double-brackets is permitted, but it is not mandatory. 37 CFR 1.121 states that "double brackets placed before and after the deleted characters **may** be used to show deletion of five or fewer consecutive characters." Thus, 37 CFR 1.121 states that the use of double brackets is optional.

In this regard, the use of strike-through to show the deletion of five or fewer characters is believed to comply with 37 CFR 1.121. Accordingly, it is clear that the Notice was issued erroneously, that the Response dated October 24, 2008 and the Amendment dated January 3, 2008 were fully compliant, and that the Notice should be withdrawn.

Nevertheless, and in the interest of advancing prosecution, the claims have been reformatted to show deletion of five or fewer consecutive characters using double brackets.

Accordingly, reconsideration of the Amendment dated January 3, 2008, and further examination, are respectfully requested.